

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SULLIVAN

THE PEOPLE OF THE STATE OF NEW YORK Ex
Rel. Philip Desgranges, Esq., on behalf of JOHN
PACE, EARL COLEMAN, TONI DILAURO,
JOSHUA WHIDBEE, AND ALL OTHERS
SIMILARLY SITUATED,

Petitioners,

v.

MICHAEL SCHIFF, Sullivan County Sheriff; and
ANTHONY ANNUCCI, Acting Commissioner, New
York State Department of Corrections and Community
Supervision,

Respondents.

**AFFIDAVIT OF ROBERT LLOYD
DUNN JR. IN SUPPORT OF
VERIFIED CLASS HABEAS
PETITION**

STATE OF NEW YORK)
COUNTY OF SULLIVAN) ss:

I, ROBERT LLOYD DUNN JR., being duly sworn, depose and say:

1. My full name is Robert Lloyd Dunn Jr. and my date of birth is September 25, 1998. I'm from Fallsburg, NY. I am incarcerated at Sullivan County Jail. When I was out of this jail, I lived with my girlfriend. I also have three children. I tested positive for COVID-19.

Why I'm in Jail

2. I've been in the jail since October 31, 2019. I'm currently in the "G-Block" dorm. I was incarcerated here for getting into a fight while in jail. I was convicted of a misdemeanor 3rd-degree assault. I am supposed to complete my sentence for this case very soon, on June 29, 2020.

My Medical Issues

3. I have moderate to severe asthma, and severe seasonal allergies. When I was out of jail, I used to use an albuterol nebulizer every other day for my breathing issues. I am supposed to have an inhaler while incarcerated, but I never received one. I last requested one back in March 2020.
4. I have anxiety-induced panic attacks, which can trigger an asthma attack and hyperventilation. All I can do here is use a paper bag to focus on my breathing and try to control it. As of now, I no longer have access to a paper bag.
5. I have tested positive for a coronavirus infection. I was tested on about May 10 and received positive results on about May 14.
6. I have been suffering from several symptoms of COVID-19. I have diarrhea, severe chest pain, and some abdominal pain. I get uncomfortable night sweats when I'm trying to sleep and sweat more than normal during the day as well. Sometimes, I wake up in the middle of the night gasping for air. When I told the nurses about my symptoms, they didn't do anything for me except giving me Tylenol.
7. I am currently taking only a stress medication for an ulcer and Claritin for my seasonal allergies.
8. No one has taken any special precautions to protect me from serious illness or death from COVID-19 given my medical vulnerabilities.

COVID-19 at the Jail

9. Roy Leach was the first incarcerated person to get infected with the coronavirus. Roy was a kitchen worker at the time. When he complained about COVID-19 symptoms, the medical staff took his temperature, said it was just the flu, and sent him back to work in the kitchen.

10. Eventually, Roy got so sick that he had to be taken to the hospital. He was then brought back to the same dorm block. Three days after bringing him back from the hospital, they moved him from our dorm block to a single cell in E-Block. The jail staff did not tell us that they had moved him because of his COVID-19 diagnosis.
11. I was additionally concerned because another inmate told me that seven COs (correctional officers) were laid off after getting infected with the coronavirus.
12. I and other inmates asked many times about coronavirus when Roy was sick. A CO told me that they couldn't tell us anything even if there was COVID outbreak, for the protection of the jail. He said that the jail didn't want the prisoners to start a riot over the coronavirus.

Conditions at the Jail

13. I am currently located in G-Block, a quarantined dorm block. The entire jail is in a disgusting and uninhabitable condition, with extremely poor hygiene standards. The showers are particularly dirty and full of insects. There is black mold in the sinks, walls, pipes, ceilings, and showers. The tables we eat at don't get cleaned and the phones don't get wiped down between uses. The cleaning supplies for the dorm are watered down and I do not believe they can properly disinfect surfaces.
14. The laundry service is closed. We now have to wash our sheets and towels with our regular laundry. The clothes are washed inside the laundry bags. So when you get everything back, it's often wrinkled, soapy, and wet. I have two sheets and towels. I don't have any sheets while they're away in the laundry.
15. From late January 2020 until early May, I worked a "state shop" job for \$13 per week. I used the money for savings and commissary. It was a porter job that involved cleaning

- and other maintenance tasks in many different parts of the jail. But I was “laid off” in May when the jail began imposing 23-hour lockdowns in response to COVID-19.
16. I have seen thick layers of lead paint chipping in the law library. While working a maintenance shift near there, I also saw asbestos in a hole in the wall nearby. I asked a CO, who confirmed that the paint in the library is lead-based. A CO once remarked that she was surprised she does not get mesothelioma from working in this jail. I have seen that the boiler in the basement is broken.
17. To my knowledge, the single-cell E-Block unit has been converted into a quarantine unit. During my work shifts I saw that it originally it housed new incoming inmates. I know that COs are regularly rotating in and out of E-Block, and I used to see them working in there without masks. Workers like myself were being regularly sent to E-Block to clean prior to the known outbreak of COVID-19 in the jail. Due to a sewage leak from the above floor, thick layers of mold are forming on the ceiling, floor, and in some of the cells in E-Block, and I was sometimes expected to clean this up.
18. Sometime between around April 22 and April 26, I attempted to refuse a work shift on E-Block because I knew it had become a “quarantine block” and was very worried I might contract coronavirus while working in it. A CO told me that if I did not go up to clean it anyway, I would be fired for refusing a direct order. So I went ahead and cleaned it despite my reservations.
19. I have additionally seen firsthand and heard from kitchen workers about extremely unsanitary and unsafe conditions in the jail’s kitchen. Kitchen workers use the same set of gloves for an entire day’s work without changing, and do not wear hair nets. In early April, I witnessed human blood all over kitchen surfaces and inside a container of

uncooked hamburger meat, after a civilian kitchen worker had accidentally cut himself with a knife. When one of the inmate workers asked about whether it was safe to keep the hamburger meat, the worker told him that the human blood was going to be frozen and then cooked out, so it was perfectly safe to keep and then serve that meat.

20. I believe that there are two civilians and some COs working in the kitchen as of now. It has been closed to the incarcerated people who used to work there.

The Jail's Response to COVID-19

21. The jail's medical staff visits our block once every morning to conduct temperature checks via a gun-style "wand" thermometer. I do not believe that this thermometer is reliable due to its producing inconsistent results. I have never been asked any further questions about my symptoms or well-being.
22. Sick calls are being regularly ignored by the jail staff. Even though a sick call is supposed to receive a response within one day, I have seen that many inmates have requested a sick call only to not receive a visit from medical staff or just get pulled into the hallway instead of being taken to the nurse's station.
23. A feeding slot in the entrance to the G-Block dorm was recently opened by a professional welder. Our meals are now distributed via this slot, as well as some of our daily medications.
24. We have been told to practice social distancing, but it is not possible in this dorm block. There are two phones in the dorm that are right next to each other and frequently in use at the same time, and they are not wiped down between uses. It is not possible to share a table while social distancing given their size. And the beds are spaced too closely together for us to be able to sleep six feet apart from one another.

25. All visitation to the jail was cut off around March 18th due to COVID-19, even though lockdown measures and regular use of protective equipment did not begin until mid-May.
26. Various masks were distributed to all the prisoners. Prisoners are not required to wear masks. I have been using the same mask for two weeks. It looks like the kind you're supposed to throw away. Corrections officers began wearing masks and personal protective equipment (PPE) after Roy Leach tested positive for the coronavirus. The corrections officers are also wearing face shields now.
27. During my work as a porter, I did outdoor work that involved use of a filtered mask. I used this mask for over a month and the protective lining inside of it was eventually worn out. I requested a replacement and was initially refused, but eventually I obtained a new one. I kept both masks. CO Lewis found out and told me that I was "hoarding medical equipment." I was forced to throw out of all of my masks and went without a mask for 2 days.
28. The free soap the jail provides to prisoners is not antibacterial, it is only deodorant-grade. Anti-bacterial soap is only available through commissary, for three to four dollars per bar.
29. No hand sanitizer is being provided to us. It would be very helpful for us because we share cleaning supplies like mops, the phones, the finger clip used for blood oxygen tests, and the button on the water jugs, to name just a few shared-contact items. Only the COs have received hand sanitizer, which I have observed sitting on multiple COs' desks and work areas. They are green-labeled bottles with the New York State symbol on the side. I asked one CO about hand sanitizer and was told "inmates aren't allowed to have hand sanitizer."

30. The public was informed about the COVID-19 outbreak at this jail before we were informed. Another inmate named James Konidis found out about the outbreak here via a family member before the results were passed out and the announcements were made.
31. Alongside the test results, we all received a packet of papers with generic information about COVID-19 symptoms and how to prevent the spread of the coronavirus. It included recommendations like social distancing, washing your hands, and working at home. But, for obvious reasons mentioned here, most of this information was unhelpful to us. It had no information specific to incarceration.
32. On or about May 12 or 13, I filed a grievance after a CO had told me nobody in the jail tested positive for the coronavirus. The Captain was informed about my grievance and came down to address the dorm about 2 hours later. The Captain told us that everyone in G-Block had tested positive for coronavirus, and that the jail was going to take preventive actions like cleaning and social distancing. Many of us questioned him during this encounter, for example asking how we could social distance given the size of our dorm area. He only gave us empty response like “we’ll do our best” and “we’ll get through this day by day.”
33. Around May 12, many of the prisoners in G-Block including myself attempted to file a group grievance over the jail’s response to COVID-19. Many of us put our names down and signed on to a single grievance. No official or written response was ever given to us.
34. On May 26, a CO announced that everyone on G-Block was being taken off of quarantine. This was two days before the expected end of a 14-day quarantine that was announced for May 14 to May 28. They told us that this is a first step and G-Block is the first to be taken off of quarantine. The guards made us hand in our clothing, gave us

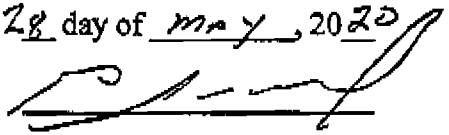
cleaning supplies, and ordered us to clean the dorm. We are still on lockdown and have been given very little information about next steps. I am worried because most of the people in G-Block, including myself, still have severe symptoms of coronavirus.

I certify under penalty of perjury that the foregoing has been read to me in its entirety and is true and correct.


ROBERT DUNN

Dated: May 28, 2020
Monticello, N.Y.

Sworn to before me this

28 day of May, 2020


(Notary Public)

ELWIN M. WOOD
Notary Public, State of New York
Sullivan County Clerk's # 2623
Commission Expires July 21, 2023